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| EXAMINER |
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TRAN, MYLINH T

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| ART UNIT | PAPER NUMBER |
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2179

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06/24/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/090,627 | <b>Applicant(s)</b><br>ORDING, BAS |  |
|                              | <b>Examiner</b><br>MYLINH TRAN       | <b>Art Unit</b><br>2179            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,6,7,9-14,16-25 and 27-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6-7, 9-14, 16-25, 27-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/07/09 has been entered.

Applicant's Amendment filed on 04/07/09 has been entered. Claim 23 has been amended. Claims 37-40 have been added. However, the limitations of the amended and new claims have not been found to be patentable over prior art of record, therefore, claims 1, 4, 6, 7, 9-14, 16-25 and 27-40 are rejected under the same ground of rejection as set forth in the office action mailed 10/07/08 .

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1, 4, 6, 7, 9-14, 16-25 and 27-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiura et al. [US. 6,628,310] in view of Jobs et al. [US. 6,957,395].

**As to claims 1, 14 and 23**, Hiura et al. teach computer implemented method and corresponding apparatus for providing an aesthetically pleasing transition between a first graphical user interface element associated with a first application running on a computer and a corresponding second GUI element associated with a second application running on the computer (computer system, figure 11), the first application being displayed on a computer display in a first window (the first application on window 211) and the second application in a second window (the second application on window 212) comprising the steps/means a first element (menu bar of window 211 (GUI element) associated with a first application running on a computer (figure 11, window 211) and a second GUI element (menu bar of window 212) associated with a second application running on the computer (figure 11, window 212), the first application being displayed on a computer display in a first window and the second application in a second window (column 1, line 60 through column 2, line 37).

Hiura et al. teach detecting when the first application is active, user selection the object on the first window to initiate an operation of turning over to which the first window is to be turned over so as to unveil a

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second window that is laid under the first window, whereby enabling to peed a content of the second window (column 2, lines 1-15); removing from the computer display the first GUI element associated with the first application and replacing the first GUI element with the corresponding second GUI element associated with the second application (column 2, lines 30-37);

and in response to detecting the user selection of the first window, providing visual notification of the replacement of the first GUI element with the second GUI element by rendering animation graphics to animate a transition between the display of the first and second GUI elements (column 3, lines 36-44 and column 4, lines 37-50).

Although Hiura et al. teach detecting when the first application is active, user selection the object on the first window to initiate an operation of turning over to which the first window is to be turned over so as to unveil a second window that is laid under the first window, whereby enabling to peed a content of the second window, Hiura fails to clearly teach the step of detecting when the first application is active, user selection of the second window to make the second application active. However, Jobs et al. teach the limitation at column 1, line 60 through column 2, line 12. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the teaching of Jobs

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with Hiura's system. Motivation of the combination would have been to obtain a desired window among a plurality of overlapped windows.

**As to claims 4 and 16**, while Hiura et al. teach detecting a change comprising detecting a mouse click event (column 2, lines 1-11); Job et al. teach the user selection comprising the user clicking on the second window (column 1, line 60 through column 2, line 12). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the teaching of Jobs with Hiura's system. Motivation of the combination would have been to obtain a desired window among a plurality of overlapped windows.

**As to claims 6-7 and 17**, Jobs et al. also show when the first application being active and the second application is closed, the opening of the second to make the second application active or when the first application is active and the second application is open, the quitting of the first application to make the second application active (column 4, lines 22-58).

**As to claims 9 and 18**, Hiura et al. show providing visual notification being configured to render rotation animation graphics (column 3, lines 30-67).

**As to claims 10 and 19**, Hiura et al. show providing visual notification being configured to render scrolling animation graphics (column 4, lines 38-50).

**As to claims 11-13 and 20-22**, it would have been inherent that Hiura et al. show animation graphics comprising three-dimensional animation graphics, the three-dimensional animation graphics comprising animation graphics utilizing gray scales and the three-dimensional animation graphics utilize gray scale to virtual lighting effect because Hiura teaches the animated transition between two windows in a three dimensional structure (column 1, lines 60-67).

**As to claims 24-25 and 27**, Jobs et al. teach the first GUI element comprising a first menu bar having a plurality of options pertaining to functions associated with the first application and the second GUI element comprising a second menu bar having a plurality of options pertaining to functions associated with the second application, and wherein the step of replacing comprising retrieving the options for the second menu bar and displaying the retrieved options at appropriate locations for the second menu bar (figures 6-7).

**As to claims 28, 31 and 34**, Hiura et al. teach detecting a change between active applications running on a computer from a first application to a second application, the first application being displayed in a first window on the computer's operating system GUI (figure 11, window 211) and the second application being displayed in a second window on the computer's operating system GUI (figure 11, window 212); and in response to detecting the change between active

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applications, providing visual notification of the change between active applications by rendering animation graphics to animate a transition between the display of the first and second menu bars (column 3, lines 36-44 and column 4, lines 37-50).

Hiura et al. fail to clearly teach the step of replacing a menu bar being displayed in a menu bar space on the computer's operating system GUI from a first menu bar associated with the first application to a second menu bar associated with the second application; However, Jobs et al. teach the feature at figures 6-7. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the teaching of Jobs with Hiura's system. Motivation of the combination would have been to distinguish two menu options.

**As to claims 29, 32 and 35**, Jobs et al. teach the first menu bar includes a plurality of options pertaining to functions associated with the first application and the second menu bar includes a plurality of options pertaining to functions associated with the second application, and wherein the step of replacing comprising retrieving the options for the second menu bar and displaying the retrieved options at appropriate locations for the second menu bar in the menu bar space (figures 6-7).

**As to claims 30, 33 and 36**, Jobs et al. teach the menu bar space being separate from each of the first and second windows (figures 6-7).



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**As to claim 37**, Hiura teaches the first GUI element is associated with a first application running on a computer, the second GUI element is associated with a second application running on the computer (computer system, figure 11), the first application is displayed on the display device in a first area, said first area being a first window (the first application on window 211), the second application is displayed on the display device in a second area, said second area being a second window (the second application on window 212), and the first GUI element (menu bar of window 211) and the second GUI element (menu bar of window 212) are displayed within a third area of the display device (column 1, line 60 through column 2, line 37), the method comprising:

detecting, when the first application is active, a user-selection of the second window, said user-selection being received from a data entry device; making, based on said detection of the user-selection, the second application active (column 2, lines 1-15); removing the first GUI element from the third area of the computer display (column 2, lines 30-37); and replacing the first GUI element (menu bar of window 211) with the corresponding, second GUI element (menu bar of window 212) at the third area of the computer display (column 2, lines 30-37). Although Hiura et al. teach detecting when the first application is active, user selection the object on the first window to initiate an operation of turning

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over to which the first window is to be turned over so as to unveil a second window that is laid under the first window, whereby enabling to peed a content of the second window, Hiura fails to clearly teach the step of detecting when the first application is active, user selection of the second window to make the second application active. However, Jobs et al. teach the limitation at column 1, line 60 through column 2, line 12. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the teaching of Jobs with Hiura's system. Motivation of the combination would have been to obtain a desired window among a plurality of overlapped windows.

**As to claim 38,** Although Hiura et al. teach detecting when the first application is active, user selection the object on the first window to initiate an operation of turning over to which the first window is to be turned over so as to unveil a second window that is laid under the first window, whereby enabling to peed a content of the second window, Hiura fails to clearly teach the step of detecting when the first application is active, user selection of the second window to make the second application active and making the second application active includes bringing the second window to the foreground of the display device. However, Jobs et al. teach the limitation at column 1, line 60 through column 2, line 12. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the teaching of

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Jobs with Hiura's system. Motivation of the combination would have been to obtain a desired window among a plurality of overlapped windows.

**As to claim 39**, Hiura teaches replacing the first GUI element includes providing visual notification of the replacement of the first GUI element with the second GUI element by rendering on the display device animation graphics of the third area transitioning between the display of the first GUI element and the second GUI element (column 3, lines 36-44 and column 4, lines 37-50).

**As to claim 40**, Hiura teaches the first GUI element comprises a first menu bar having a plurality of options pertaining to functions associated with the first application, and the second GUI element comprises a second menu bar having a plurality of options pertaining to functions associated with the second application (figure 2).

### **Response to Arguments**

Applicant has argued that Hiura does not teach or suggest the first GUI element associated with the first application and the second GUI element associated with the second application. However, applicant's attention is directed to figure 11, the first GUI element is an object being contained in the first application window 211, the second GUI element is an object being contained in the second application window 212. The

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menu bar of window 211 is considered as the first GUI element while the menu bar of window 212 is considered as the second GUI element. Applicant has also argued that Hiura does not teach or suggest the step of removing from the computer display the first GUI element associated with the first application and replacing the first GUI element with the corresponding second GUI element associated with the second application. However, Hiura teach the step of removing from the computer display the first GUI element...and replacing the first GUI element with corresponding, second GUI element in figure 11.

As disclosed in figure 11, Hiura et al. teach detecting when the first application is active, user selection the object (the first GUI element) on the first window to initiate an operation of turning over to which the first window is to be turned over so as to unveil a second window that is laid under the first window, whereby enabling to peed a content (the second GUI element) of the second window (column 2, lines 1-15); removing from the computer display the first GUI element associated with the first application and replacing the first GUI element with the corresponding second GUI element associated with the second application (column 2, lines 30-37); The menu bar and its content of the application 32 is removed from the computer display and replaced by the menu bar and its content of the application 34, the application 32 and its GUI element remains on the computer display. The application 32 and its GUI

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element just becomes inactive but still displayed on the computer screen. Therefore, Hiura teaches the steps of removing and replacing of the applicant's invention. This is exactly the same removing and replacing steps as disclosed by the invention drawings of figure 2a-2b. The applicant stated that the claims require the first GUI element is removed from the screen. However, the first menu bar of the first application 32 is still on the display screen when the second menu bar of the second application 34 is displayed on the computer screen. Applicant has argued that Hiura and Jobs can not be combined to result in the claimed subject matter. However, both Hiura and Jobs teach the same field of invention allowing the users view elements and content of a lower window.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179